

Order to Show Cause**(May 27, 1970)**

The petition for review of Fre Le Poole Griffiths from the action of the Standing Committee on Recommendation for Admission to the Bar of New Haven, Connecticut, having come on for a hearing before the Court on May 26, 1970, and it appearing to the Court that the Standing Committee on Recommendations for Admission to the Bar of New Haven County should be notified of the petition for review, Now Therefore,

It Is Ordered, That a true copy of the petition for review, as on file in the Superior Court for New Haven County, and a copy of this order be served on Curtiss K. Thompson, Esq., the Chairman of said Standing Committee, on or before May 27, 1970, and It Is

Further Ordered, That the Standing Committee on Recommendations for Admission to the Bar of New Haven County show cause, if any they have, why said petition for review should not be granted, before the Special Calendar Session of this Court to be held on Thursday, May 28, 1970 at 10:00 a.m., and

It Is Further Ordered, That return of service of said copy of said petition for review and of this order be made by the officer serving the same on or before May 27, 1970.

By the Court

BOGDANSKI, Judge

Order**(July 10, 1970)**

The foregoing petition of Fre Le Poole Griffiths for admission to take the examination as a candidate of the Bar of the State of Connecticut in New Haven County and asking that she be declared eligible for admission to such Bar having come on for a hearing before this Court and such petitioner having appeared by her counsel and the Committee on Recommendations for Admission to the Bar of New Haven County by its Chairman and it appearing to the Court that further notice of the pendency of such application should be given so that all members of the Bar of this Court, the Bar Examining Committee and the Attorney General of the State of Connecticut will be notified of the pendency of such application and allowed to appear in the proceedings thereon to assert any interest that they may have therein,

Now, THEREFORE, and with the consent of the parties who have appeared, it is hereby,

ORDERED that on or before the 1st day of August, 1970, the petitioner shall cause:

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2. true copies of such petition and of this order to be sent via certified mail, postage prepaid, to the Honorable Robert K. Killian, Attorney General, State Capitol, Hartford, Connecticut, and to Harry L. Nair, Esquire, Chairman of the Bar Examining Committee of the State of Connecticut, 111 Pearl Street, Hartford, Connecticut.

AND IT IS FURTHER ORDERED that any individual, public official, committee or association having an interest in the foregoing petition and the proceedings to be held thereon may appear herein on or before the first Tuesday of September, 1970 and within 15 days thereafter file such answer or other pleading as it deemed appropriate with respect to such petition.

Dated at New Haven, Connecticut, this 10th day of July, 1970.

By The Court

BOGDANSKI, Judge

Request for Admission of Documents

(Filed September 15, 1970)

Because the applicant believes there exists no dispute concerning the facts, and in order to indicate to all parties the exhibits to be offered by the applicant, and pursuant to Section 177 of the Practice Book, the applicant annexes hereto all exhibits to be offered at the trial on September 24, 1970, and calls upon all parties to admit the existence and admissibility of exhibits, and if any objection will be made to any exhibit to make the objection known to counsel for the applicant prior to the hearing on September 24, 1970.

Exhibit A—Copy of Section 8, *Connecticut Practice Book*

Exhibit B—Application for admission to the Bar, March 2, 1970, with supporting documents, original on file, Superior Court, New Haven County.

Exhibit C—Transcript of hearing before Committee on Recommendations, Re: Fre Le Poole Griffiths, May 4, 1970.

Exhibit D—Letter, May 6, 1970, from Committee on Recommendations for Admission, indication application not approved because of citizenship requirement.

Exhibit E—Request for Certification Made May 22, 1970 at Meeting of New Haven County Bar meeting.

Exhibit F—Transcript of Bar Meeting, New Haven County, May 22, 1970.

Exhibit G—Affidavit verifying Application in case No. 123738, In re Application of Fre Le Poole Griffiths.

Exhibit H—Certified letter of Notice to Hon. Robert K. Killian with return receipt. (July 10, 1970)

Exhibit I—Certified letter of Notice to Harry Nair, Esq. with return receipt. (July 10, 1970)

Exhibit J—Certified letter of Notice to Donald Dowling, Esq., with return receipt. (July 10, 1970)

Exhibit K—Certified letter on Notice to Joseph J. Keefe, Esq., with return receipt. (July 10, 1970)

Exhibit L—Letter from Joseph Keefe and Donald Dowling, July 22, 1970.

Exhibit M—Letter to Commission on Official Legal Publication July 29, 1970

Exhibit N—The Attorney's Oath.

The Applicant

By DAVID BROILES

**JACOBS, JACOBS, GRUDBERG &
CLIFFORD**

Her Attorneys

(Filed: Sept. 15, 1970.)

Notice of Exhibit

(Filed October 5, 1970)

Annexed hereto, and subject to objection on the part of any party, the petitioner submits to the Court Exhibit Q, and asks the Court to take judicial notice of the provisions contained therein, and to make Exhibit Q a part of the record.

The Petitioner

**By DAVID BROILES
JACOBS, JACOBS, GRUDBERG &
CLIFFORD**

Her Attorneys

(Filed: Oct. 5, 1970.)

Exhibit A

Copy of Section 8, Connecticut Practice Book

Sec. 8. Qualifications for Admission

To entitle an applicant to admission to the bar, except under Sec. 12 of these rules, he must satisfy the committee.

First: That he is a citizen of the United States.

Second: That he is a resident of this state or intends to become such resident.

Third: That he is not less than twenty-one years of age.

Fourth: That he is a person of good moral character.

Fifth: That he has complied with the following rules concerning prelaw education: (A) If his law studies pursuant to the rules commenced prior to January 1, 1951, before commencing the study of law he (1) has graduated from a college the standing of which and the course or courses taken by the applicant shall be approved by the committee; or (2) has registered as a regular student or candidate for a degree in a college the standing of which shall be approved by the committee, and has attended and successfully completed courses acceptable to the committee constituting one-half of the work required for a degree in such college. (B) If his law studies pursuant to the rules commenced after January 1, 1951, before commencing the study of law he (1) obtained a bachelor's degree for acceptable undergraduate work in residence at a college accredited by

the committee; or (2) completed, in residence at a college accredited by the committee, ninety semester or one hundred thirty-five quarter hours of college credit acceptable toward a bachelor's degree at such college and acceptable to the committee; provided that in such event a bachelor's degree must have been obtained at a college accredited by the committee before a law degree is obtained; or (3) obtained a master's degree for post-graduate work acceptable to the committee in residence at a college accredited by the committee, having already obtained a bachelor's degree for acceptable undergraduate work in residence at a college.

Sixth: That he has complied with the following rules concerning his legal education: After arriving at the age of eighteen years and after having completed his prelaw education as provided for under subsection *Fifth* of this section, he has (a) pursued the study of law as a regular law student in residence at and obtained a bachelor of laws degree from a law school accredited by the committee; or (b) obtained a master of laws degree for postgraduate work acceptable to the committee in residence at a law school accredited by the committee, having already obtained a bachelor of laws degree at a law school for work acceptable to the committee done in residence at such law school.

Seventh: That he has registered his intention to study law in preparation for taking the bar examinations in accordance with these rules and the regulations of the committee and has paid a registration fee of \$10.

Eighth: That he has filed with the clerk of the superior court his application to take the examination and for admission to the bar, all in accordance with these rules and

the regulations of the committee, and has paid an application fee of \$25.

Ninth: That he has satisfactorily passed an examination in law in accordance with the regulations of the committee.

Tenth: That he has complied with all of these rules and the regulations of the committee pertinent to his application.

(P. B. 1951, Sec. 4; 1963.)

Exhibit B

Application for Admission to the Bar

March 2, 1970

Clerk of the Superior Court for
New Haven County
121 Elm Street
New Haven

Dear Sir,

Enclosed please find my application for admission to the bar, as well as the necessary additional documents and a \$35.-check. I have asked for, but not yet received, a certificate of graduation from the Yale Law School. I will send this to you, as soon as I receive it.

As you will see, my answer to question 8 is negative and, consequently, I cannot submit an affidavit of citizenship. I am aware of Superior Court Rule 8, first. I request you to process my application as usual, nevertheless, since I intend to request the Character Committee and the Court to waive the citizen requirement on the ground that it would be unreasonable and unconstitutional to apply it to a person in my situation.

Sincerely yours,

/s/ FRÉ LE POOLE GRIFFITHS (Mrs.)
Fré Le Poole Griffiths

118 Mansfield Street
New Haven, Conn. 06511

FOLDOUT(S) IS/ARE TOO LARGE TO BE FILMED

Exhibit C

**Transcript of Hearing Before Committee on
Recommendations**

NEW HAVEN BAR ASSOCIATION

RE: FRE LE POOLE GRIFFITHS

May 4, 1970

(Applicant not present in hearing room.)

Mr. McGrail: Do you want me to read this into the record?

Chairman Curtiss: Read it to us.

(Letter from applicant's attorney read.)

Mr. McGrail: Accompanying this, and I don't know what significance this has—this is in Dutch—are two certificates, one from the University of Lyden and the other one from the University of Amsterdam, Faculty of Law. And she is about to become a Yale law graduate.

Mr. Emanuelson: What are her college courses?

Mr. McGrail: This is the same problem that I ran into with this other English fellow. They give a list of courses that don't exactly conform with Vasar. But as close as I can tell, that is her college certificate. And this is from her law school over there.

(The applicant thereupon entered the hearing room.)

Chairman Curtiss: Mr. Donahue, a member of the Committee will address some questions to you.

I might say that the Committee is familiar with the letter that was written by your counsel.

Examination by Mr. Donahue:

Q. Is your name Miss or Mrs. Griffiths? A. Mrs. Griffiths.

Q. Where do you live? A. 118 Mansfield Street, New Haven.

Q. For how long a period of time have you lived there? A. Since the summer of 1967.

Q. What does your family consist of? A. My parents and three brothers and one sister.

You mean my family now here? My husband and me.

Q. What does your husband do? A. He is teaching at the Yale Law School.

Q. And you apparently were educated in Europe, is that correct? A. I was educated both in Europe and here. My law degree is from Yale Law School.

Q. Do you have one or will you get one? A. I received an LLB from Yale last June.

Q. June of 1969? A. Right.

Q. And since June of 1969 up until the present time, what have you been doing? A. I was a law clerk at the Legal Aid Bureau since October of 1969.

Q. Are you a citizen of the United States? A. No, I am not.

Q. Is your husband? A. My husband is a citizen.

Q. And what plans do you have with respect to your future? A. Well, I would like to go on working for New Haven Legal Assistance.

Q. And does your ability to work for the New Haven Legal Assistance depend upon your becoming a member of

the Connecticut Bar? A. Well, eventually it will be very difficult to go on working there if I would not become a member of the Bar.

Q. Does your ability to continue to hold the job you are holding now depend upon your being a member of the Connecticut Bar? A. Being a law clerk is something that is a good thing to do for a while to learn about what it is to be a lawyer. But I don't think it is the kind of job that one could hold for a lifetime.

Q. Mrs. Griffiths, I will try the question again. It is susceptible to a yes or no answer. See if you can contain your answer to one word, please.

Does your ability to hold and maintain the job that you now have at the New Haven Legal Assistance Bureau depend upon your being a member of the Connecticut Bar? A. I think the answer to that is no.

Mr. Secor: Do you intend to become a citizen of the United States?

The Witness: I have no present plans to become a citizen of the United States.

Mr. Luby: Of what country are you a citizen?

The Witness: Holland.

Mr. Donahue: I have no further questions.

Mr. Luby: Have you ever been arrested?

The Witness: No.

Mr. Luby: You never even got a speeding ticket?

The Witness: No.

Chairman Curtiss: How long did you say you have been a resident of Connecticut?

The Witness: Since the summer of 1967.

Chairman Curtiss: Were you married at that time?

The Witness: Yes, I was married in July of '67.

Chairman Curtiss: That is you came to Connecticut because your husband received an appointment to teach in the Law School?

The Witness: Correct.

Chairman Curtiss: And another requirement is that you must be twenty-one years of age or more, isn't it?

The Witness: I am more than twenty-one.

Chairman Curtiss: Is there any blemish on your moral character at all?

The Witness: Not that I know of.

Chairman Curtiss: Now these colleges that you graduated from, you had the equivalent of a Bachelor's degree from the University of Amsterdam?

The Witness: The equivalent of an LLB. I had the equivalent of a Bachelor's degree of the University of Lyden and the equivalent of an LLB of the University of Amsterdam.

Chairman Curtiss: Now at sometime you must have registered for the exams, the Bar exams—that is, you registered your intention to study law in preparation for the exam. Did you do that?

The Witness: Yes.

Chairman Curtiss: And when was that done?

The Witness: I filed that at the same time as I filed the application for admission to the Bar exams.

Chairman Curtiss: When?

Mr. McGrail: March 4th.

Chairman Curtiss: And when you filed your application you knew that a prerequisite for admission was citizenship?

The Witness: Yes.

Chairman Curtiss: And at this time you have no present intention of becoming a citizen of the United States?

The Witness: That is correct.

Chairman Curtiss: Is that right?

The Witness: Yes.

Chairman Curtiss: Are there any other inquiries?

By the way, is that citizenship a part of the statute or a rule?

Mr. McGrail: I think it is a matter of statute. I will have to check it though.

Mr. Secor: Have you checked it?

The Witness: It is a court rule.

Mr. McGrail: It is Rule 8, Superior Court.

The Witness: I think it is a court rule.

Mr. Secor: Is it a court rule?

The Witness: I believe there is a statute on it.

Chairman Curtiss: As I understood your counsel's letter, he thought this Committee should waive that rule under the circumstances of this case.

Do you take the position that this Committee has the right to waive that requirement?

The Witness: As far as I understand it, it doesn't.

Mr. Luby: Do you know whether or not a United States citizen can be admitted to practice law in Holland?

The Witness: I don't know.

Mr. Luby: Have you examined the treaty between Holland and the United States in relation to these matters?

The Witness: Yes.

Mr. Luby: And what is the result?

The Witness: I do not think the treaty assures any rights to people who exercise their profession in their country.

Mr. Emanuelson: You mean in Holland?

The Witness: I don't think Holland and the United States have agreed that when somebody is a lawyer in Holland he is entitled to practice law in the United States or the other way around.

Chairman Curtiss: When did you come to the United States?

The Witness: I came to the United States in January of '65.

Chairman Curtiss: Were you married at that time?

The Witness: No.

Chairman Curtiss: Did you come as an immigrant?

The Witness: I was a visitor originally.

Chairman Curtis: And you were married while you were on a visitor's passport?

The Witness: No, I had found work here; and I had already become a resident when I got married.

Mr. Secor: What did you say your husband does?

The Witness: He is teaching?

Mr. Secor: What?

The Witness: Mainly criminal law; also torts. And he has taught various seminars.

Mr. Secor: Did you take any courses under him?

The Witness: No, I carefully avoided that.

Chairman Curtiss: You are going to remain a clerk for some time in the Legal Aid until you get this matter settled, aren't you?

The Witness: Well, in fact I will stop working there since I am going to have a baby in July.

Chairman Curtiss: Are you looking up something, Jack?

Mr. McGrail: Yes. This is as far as it goes. There are no citations, no statutory citations.

Chairman Curtiss: All of the details of her application have been perfected?

Mr. McGrail: As far as I know.

The only question I have is with respect to the college situation. But I wouldn't think in view of the fact that she has an LLB from over there that it would present any problem.

The last one that we referred to the Bar Examining Committee because of the fact the law degree was over there.

Mr. Donahue: What degree do you hold from Yale?

The Witness: An LLB.

Mr. McGrail: Did they do anything with respect to your credits when you applied to Yale?

The Witness: They gave me the equivalent of one year's credit for one legal education in Europe.

Mr. Secor: And your parents are lawyers, is that correct?

The Witness: Yes.

Chairman Curtiss: Is it the consensus of the Committee that we do not have the right to waive the requirement of citizenship? I think it ought to go on the record.

Mr. Donahue: I feel we do not.

Mr. Emanuelson: Likewise.

Mr. Secor: I don't think we have any right to waive it.

Mr. Luby: I don't think so either.

Chairman Curtiss: The Chair feels the same way.

And we regret very much that we are unable to grant your application.

Mr. Secor: The applicant apparently doesn't feel we have the right to either.

The Witness: From the cases at least as I understand them, I am sorry to say so.

Chairman Curtiss: Who is your counsel in this matter?

Mr. McGrail: David Broils from Jacobs, Jacobs, Grudberg and Clifford. Counsel have indicated:

"If there is no other finding by the Committee, the Committee should state the exact reason for denying this applicant's right to take the Bar.

"Would it be appropriate as far as this Committee is concerned to have it in the report that way?"

Chairman Curtiss: Have it appear in our report, the reason for which it was denied.

You are not making any claim that your counsel should be present at this meeting, are you?

The Witness: I understand that it is not usual for counsel to be present.

I have no objection to that.

Chairman Curtiss: Are you asking that he be allowed to attend?

The Witness: At this—?

Chairman Curtiss: Hearing.

The Witness: No, I think not.

Mr. Secor: You are waiving your rights?

The Witness: It sounds very dangerous.

Chairman Curtiss: Well, I think we may excuse you.

Thank you.

(The applicant thereupon left the hearing room.)

Chairman Curtiss: I take it the motion is that her application be denied on the ground that she is not a citizen of the United States. And that in other respects the Committee finds she is qualified.

Mr. McGrail: Do you think we should have a couple of copies of the transcript made up?

Chairman Curtiss: Yes.

Exhibit D

**Letter From Committee on Recommendations
for Admission**

(Letterhead of Committee on Recommendations for Admission to the Connecticut Bar, New Haven County)

May 6, 1970

Mrs. Fre Le Poole Griffiths
118 Mansfield Street
New Haven, Connecticut, 06511

Dear Mrs. Griffiths:

In view of the fact that you do not meet the requirement pertaining to United States Citizenship, your Application to take the June Bar Examination has not been approved.

Very truly yours,

/s/ JOHN R. McGRAIL
John R. McGrail, Secretary

Exhibit E**Request for Certification****SUPERIOR COURT****NEW HAVEN COUNTY****May 22, 1970**

**IN RE APPLICATION OF FRE LE POOLE GRIFFITHS
FOR ADMISSION AS AN ATTORNEY**

The applicant Fre Griffiths requests that the court reject the report of the Committee on Recommendation For Admission to The Connecticut Bar, New Haven County and certify the application of Fre Griffiths for permission to take the June examination for the following reasons:

1. the applicant is being rejected on the grounds that she is not a citizen of the United States.

2. This is an appropriate case for the Superior Court to use its inherent power to waive Rule 8(1) in order to avoid injustice to petitioner.

3. Rule 8(1) of the Superior Court Rules discriminates unreasonably against aliens situated as is petitioner, depriving them thereby of their constitutional right to equal protection.

a) Superior Court Rule 8(1) is to be subjected to a strict standard of review, and the presumption is against its validity.

b) All forms of discrimination against aliens as a class which had once been upheld have been struck down when reconsidered more recently.

c) Rule 8(1) unreasonably discriminates against aliens.

4. Superior Court Rule 8(1) interferes with the federal power over immigration.

5. Superior Court Rule 8(1) as applied to petitioner, violates international public policy and the First Amendment of the United States Constitution by burdening petitioner's right freely to determine her nationality.

THE APPLICANT

By:

JACOBS, JACOBS, GRUDBERG & CLIFFORD

R. DAVID BROILES, *Her Attorney*

Exhibit F

May 22, 1970

**MEETING OF
THE NEW HAVEN COUNTY
BAR ASSOCIATION**

held at

**The County Court House
New Haven, Connecticut**

Reported by:

**Charles H. Dukes
Court Reporter**

Mr. Emanuelson: . . . The last application not being recommended by the Committee is that of Fraila Poole Griffiths. She is not a citizen of the United States, and does not qualify for a candidate for the examination on that basis. With these deletions, Mr. Chairman, I would recommend that the report of the Committee be approved.

Mr. Hadden: The report of the Committee with a remark?

Mr. Broiles: Mr. Chairman, my name is David Broiles. I am the attorney for Fraila Poole Griffiths who has been rejected by the Committee for not being a citizen of the United States. I would point out that Rule 81 of the Rules of the Superior Court requires an affidavit of citizenship and, of course, that a person be a citizen. I ask that that rule be waived by this Committee and that Mrs. Griffiths be

certified for the taking of the examination in June, and I have a written application for that, if I might give that to you to be put in her file.

Mr. Emanuelson: If I might remark with regard to counsel in support of her application that a waiver be granted, this matter was known by the Committee on admissions at the time that we held our hearing. She appeared and she indicated that she is not a citizen of the United States, and that she has no present intention of becoming a citizen of the United States, and in view of the rule, the Committee felt it could not waive the application requested, and recommends that her application be denied on the basis that she is not a citizen of the United States and she was so advised, as was her counsel.

Mr. Broiles: Correct.

Mr. Hadden: Will you restate your Motion so I can put it to a vote.

Mr. Boiles: Fraila Griffiths be certified for the June examination, even though she is not a citizen of the United States, and does not intend to become a citizen of the United States.

Mr. Hadden: All those in favor of the Motion voting to overrule the Committee's decision will signify by saying "I".

(Oral vote taken)

Mr. Hadden: Contrary minded?

(Oral vote taken)

Mr. Hadden: Motion is denied. Question now is on the acceptance of the Committee's Report. Is there any remarks?

Mr. Horwitz: I move that the Committee Report be accepted.

A Voice: I second the motion.

Mr. Hadden: The Committee's Report is adopted.

Mr. Emanuelson: You may adjourn the hearing.

Mr. Hadden: The motion is in order. The meeting stands adjourned.

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Exhibit G

AFFIDAVIT

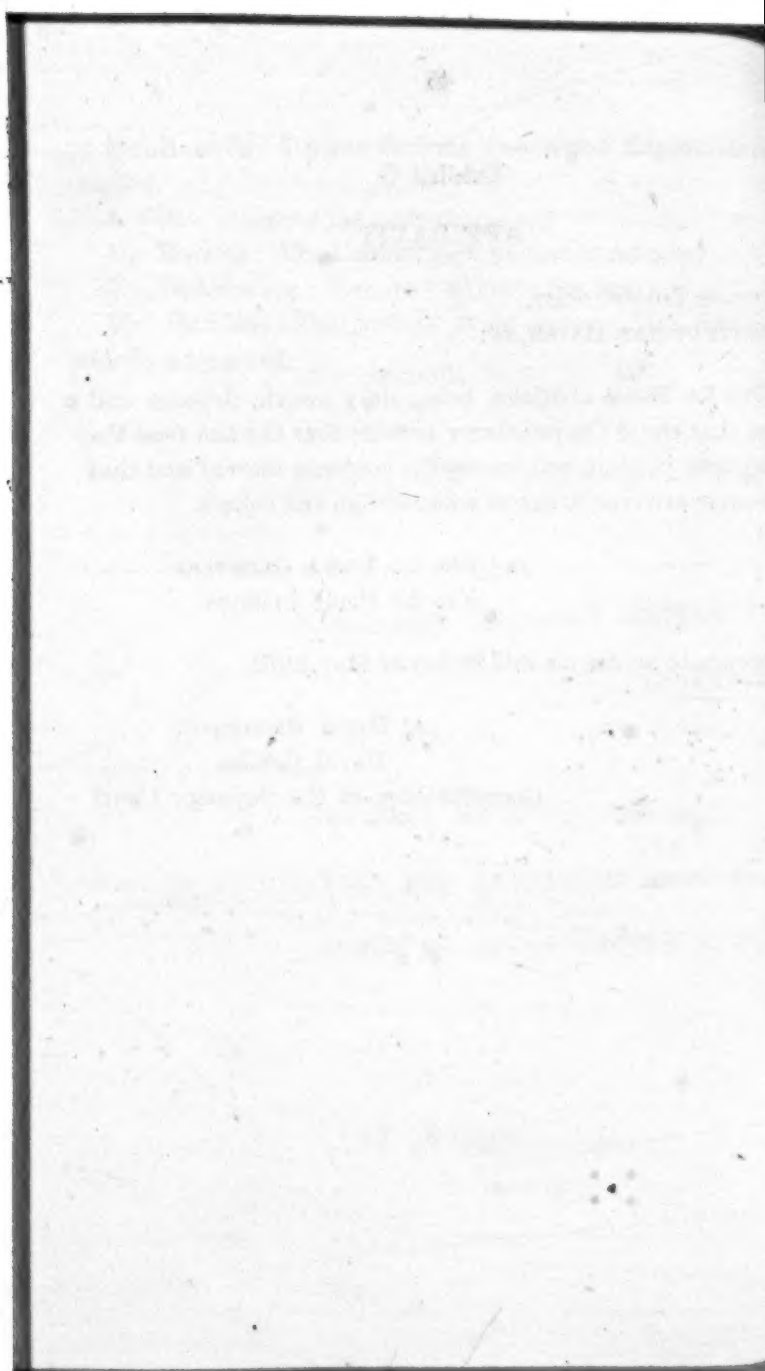
STATE OF CONNECTICUT,
COUNTY OF NEW HAVEN, ss:

Fre Le Poole Griffiths, being duly sworn, deposes and says that she is the petitioner herein; that she has read the foregoing petition and knows the contents thereof and that the same are true to her own knowledge and beliefs.

/s/ FRE LE POOLE GRIFFITHS
Fre Le Poole Griffiths

Sworn to before me this 28 day of May, 1970.

/s/ DAVID BROILES
David Broiles
Commissioner of the Superior Court



Supreme Court of the United States

No. 71-1336

**In re application of Fre Le Poole
Griffiths for Admission to the Bar,
Appellant.**

**APPEAL from the Supreme Court of the State of
Connecticut.**

**The statement of jurisdiction in this case
having been submitted and considered by the Court,
probable jurisdiction is noted.**

June 7, 1972